

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KEMPER VALVE & FITTINGS CORP.

Plaintiff,

v.

BUDDY WOOD, KENNETH KLINGBAIL,
FLOW VALVE, LLC,

Defendants.

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No. 08 C 513

Honorable Judge Guzman
Magistrate Judge Nolan

**MOTION OF DEFENDANT FLOW VALVE, LLC TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT FOR LACK OF
PERSONAL JURISDICTION OR, IN THE
ALTERNATIVE, TO TRANSFER VENUE**

Defendant, Flow Valve, LLC, by its attorneys, moves, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, to dismiss Plaintiff's Amended Complaint for lack of personal jurisdiction or, in the alternative, pursuant to 28 U.S.C. § 1404(a), to transfer venue of this case to the United States District Court for the Eastern District of Oklahoma. In support of this motion, Flow Valve, LLC states as follows:

1. Plaintiff has not and cannot show that Flow Valve, LLC had sufficient contacts with the State of Illinois to meet the requirements of due process. This Court's exercise of jurisdiction over Flow Valve, LLC, in this case would violate the due process clause of the Fifth Amendment to the United States Constitution because (1) Flow Valve, LLC has had insufficient contacts with the State of Illinois and (2) the maintenance of this lawsuit against Flow Valve, LLC in Illinois would offend traditional notions of fair play and substantial justice. As a result, this Court does not have personal jurisdiction over Flow Valve, LLC and the Amended Complaint should be dismissed as to it.

2. Alternatively, Flow Valve, LLC requests that this Court transfer venue of this case to the United States District Court for the Eastern District of Oklahoma pursuant to 28 U.S.C. § 1404(a) as a forum more convenient for all defendants and probable witnesses and as a forum that would have jurisdiction to resolve all issues raised by Plaintiff against all Defendants.

3. In support of its Motion, Flow Valve separately submits its Memorandum in Support and attaches to this Motion the Declarations of:

- Mark Nowell (Exhibit A);
- Buddy Wood (Exhibit B); and
- Kenneth Klingbail (Exhibit C).

WHEREFORE, Defendant Flow Valve, LLC, respectfully requests that the Court dismiss Plaintiff's Amended Complaint as to it for lack of personal jurisdiction or, in the alternative, transfer venue of the entire case to the United States District Court for the Eastern District of Oklahoma.

Dated: February 29, 2008.

Respectfully submitted,

/s/ Paul E. Lehner
One of the attorneys for defendant
Flow Valve, LLC

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CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Defendant, Flow Valve, LLC, certifies that, on February 29, 2008, he caused a copy of the Motion of Flow Valve, LLC to Dismiss Plaintiff's Amended Complaint for Lack of Personal Jurisdiction or, in the Alternative, to Transfer Venue, to be served by means of ECF to:

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/s/ Paul E. Lehner